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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,154	01/04/2002	Makoto Nokita	03560.002974	1768
5514	7590	03/09/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HO, ALLEN C	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/035,154	Applicant(s) NOKITA, MAKOTO	
	Examiner Allen C. Ho	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The previous office action was inadvertently labeled as a final rejection in the office action summary. A final rejection would have been improper in view of the new ground of rejection. Furthermore, amended claims contain subject matter, which was presented earlier before the filing of an RCE, but was denied entry after final rejection because new issues were raised that required further consideration and/or search. MPEP § 706.07 (b). Accordingly, the finality of the previous office action has been withdrawn in order to correct for this mistake.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee *et al.* (U. S. Patent No. 6,181,773 B1) in view of Daniels *et al.* (U. S. Patent No. 4,160,906).

With regard to claim 1, Lee *et al.* disclosed an apparatus for radiographing an object, comprising: an x-ray radiation unit (110) for radiating x-ray; a grid (42, 58, 140) arranged in an x-ray radiation path; a grid movement controller (170) for changing a movement speed of the grid by changing a turn speed of a motor (46), comprising a link mechanism (50) for changing a turn movement of the motor into a straight movement of the grid; a sensor unit (54, 162) for converting the x-ray into image data; an imaging controller (170) for controlling (i) the time for

Art Unit: 2882

the x-ray radiation unit to start radiating the x-ray, (ii) the time for the grid movement controller to start rotating the motor, and (iii) the time for the sensor unit to start storage, by associating one with another (column 5, lines 65-67; column 6, lines 1-4).

However, Lee *et al.* failed to teach an input unit for inputting information relating to a region of a body, wherein the image controller (a) selects a standard radiation exposure time and the turn speed based on the information input into the input unit, (b) controls the radiation exposure starting time of the x-ray radiation unit based on the selection, and (c) causes the grid movement controller to rotate the motor at the turn speed, and wherein the standard radiation exposure time is determined based on the maximum x-ray radiation time to be determined according to the region of the body.

Daniels *et al.* disclosed an input unit (Fig. 1) for inputting information relating to a region of a body (16). Daniels *et al.* taught that this input unit would enable selection of the proper parameters (*e. g.*, kV, mA, exposure time) for any anatomical area with minimum deliberation on the part of the user, which facilitate rapid acquisition of uniform high quality x-ray images (column 4, lines 24-27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an input unit for inputting information relating to a region of a body so that the image controller could select appropriate exposure parameters based on the inputted information, since a person would be motivated to obtain a high quality x-ray image to facilitate with diagnosis by using exposure parameters that are appropriate to a particular region of a body.

Art Unit: 2882

With regard to claims 36-38, these claims fail to set forth any additional structural limitation. An apparatus must be distinguished from the prior art in terms of structure rather than function. MPEP § 2114.

With regard to claim 39, Lee *et al.* in combination with Daniels *et al.* disclosed an apparatus according to claim 1. However Lee *et al.* and Daniels *et al.* failed to teach that the apparatus further comprises a display.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a display unit, since a person would be motivated to look at an image and/or monitor feedbacks from the apparatus.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 12, 14, 22, 25, 27, 28, 34, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (1) Neumann *et al.* (U. S. Patent No. 6,259,767 B1) disclosed an x-ray device comprising exposure parameters stored in a memory for various organs to be imaged.
- (2) Strawder (U. S. Patent No. 5,737,386) disclosed an input unit for inputting information relating to a region of body.

Art Unit: 2882

(3) Kleinman (U. S. Patent No. 4,403,337) disclosed automated setting of technic factors for x-ray examination.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2882

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allen C. Ho
Patent Examiner
Art Unit 2882

ACH

ACH 26.02.2004



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER